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| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 09/998,026             | MITCHELL ET AL.     |  |
|                               | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                               | Victor K. Hwang        | 3764                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed December 09, 2004.
2. ☒ The allowed claim(s) is/are 1-42.
3. ☒ The drawings filed on 30 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20050301</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                         |
|   | 9. <input type="checkbox"/> Other _____.   |

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with James R. Cannon on March 01, 2005.

2. The application has been amended as follows:

**In the Claims:**

A) Amend claims 1, 13, 24, 33 and 39 as follows:

- 1. (currently amended) An exercise machine for exercising the triceps muscles of a user, comprising:
- a frame configured to rest on an underlying surface;
  - a seat mounted to the frame and configured to receive a seated user;
  - a pair of support pads mounted to the frame above the seat, each of the support pads being positioned to engage one of the upper arms and the elbows of the seated user;
  - a pair of movement arm units pivotally interconnected with the frame and movable about respective generally horizontal axes of rotation that extend through the seated user's elbows, each of the pair of movement arm units being configured to engage at least one of the forearms and the hands of the user, each of the pair of movement arm units being movable between a retracted position, in which the seated user's arms are bent, and an extended position, in which the user's arms are extended, the axes of rotation forming an angle of between about 115 and 155 degrees, the axes

of rotation remaining stationary as the movement arms move between the retracted and extended positions; and

a resistance system connected with the movement arm units that provides resistance to rotation of the movement arm units as they move from the retracted position to the extended position.

13. (currently amended) An exercise machine for exercising the triceps muscles of a user, comprising:

a frame configured to rest on an underlying surface that includes pairs of front and rear uprights rising from respective legs, each set of respective front and rear uprights and legs defining a generally vertical plane, the generally vertical planes defining an angle of between about 20 and 70 degrees;

a seat mounted to the frame and configured to receive a seated user;

a pair of pads mounted to the frame above the seat, each of the pads being positioned to engage the upper arms of the seated user;

a pair of movement arm units pivotally interconnected with the frame and movable about respective generally horizontal axes of rotation that extend through the seated user's elbows, each of the pair of movement arm units being configured to engage at least one of the forearms and the hands of the user, each of the pair of movement arm units being movable between a retracted position, in which the seated user's arms are bent, and an extended position, in which the user's arms are extended, the axes of rotation remaining stationary as the movement arms move between the retracted and extended positions; and

a resistance system connected with the movement arm units that provides resistance to rotation of the movement arm units as they move from the retracted position to the extended position.

24. (currently amended) An exercise machine for exercising the triceps muscles of a user, comprising:

a frame configured to rest on an underlying surface;

a seat mounted to the frame and configured to receive a seated user;

a pair of support pads mounted to the frame above the seat, each of the pads being positioned to engage the upper arms of the seated user;

a pair of movement arm units pivotally interconnected with the frame and movable about respective axes of rotation that extend through the seated user's elbows, each of the pair of movement arm units being configured to engage at least one of the forearms and the hands of the user, each of the pair of movement arm units being movable between a retracted position, in which the seated user's arms are bent, and an extended position, in which the user's arms are extended, the axes of rotation forming an angle of between about 115 and 155 degrees, the axes of rotation remaining stationary as the movement arms move between the retracted and extended positions;

a weight stack;

a first belt connected with the movement arms;

a second belt connected with the weight stack; and

a pulley bracket, the pulley bracket having a pair of upper pulleys that engage the first belt, the second belt being attached to the pulley bracket;

the weight stack, first and second belts, and pulley bracket being configured such that the weight stack resists movement of the movement arm units from the retracted position to the extended position.

33. (currently amended) An exercise machine for exercising the triceps muscles of a user, comprising:

a frame configured to rest on an underlying surface;

a seat mounted to the frame and configured to receive a seated user;

a pair of support pads mounted to the frame above the seat, each of the support pads being positioned to engage one of the upper arms and the elbows of the seated user;

a pair of movement arm units pivotally interconnected with the frame and movable about respective generally horizontal axes of rotation that extend through the seated user's elbows, each of the pair of movement arm units being configured to engage at least one of the forearms and the hands of the user, each of the pair of movement arm units being movable between a retracted position, in which the seated user's arms are bent, and an extended position, in which the user's arms are extended, the axes of rotation remaining stationary as the movement arms move between the retracted and extended positions; and

a resistance system connected with the movement arm units that provides resistance to rotation of the movement arm units as they move from the retracted position to the extended position;

wherein the elevations of the seat and the support pads are selected such that, when the user is seated and the user's upper arms or elbows engage the support pads, the user's upper arms are angled upwardly from shoulder to elbow at an angle of at least 5 degrees.

39. (currently amended) A frame for an exercise machine for exercising the arm muscles of a user, comprising:

pairs of front and rear uprights rising from respective legs, each set of respective front and rear uprights and legs defining a generally vertical plane, the generally vertical planes defining an angle of between about 20 and 70 degrees;

a seat mounted to the frame and configured to receive a seated user; and

a pair of pads mounted to the frame above the seat, each of the pads being positioned to engage the upper arms of the seated user;

the frame adapted to receive a pair of movement arm units pivotally interconnected with the frame and movable about respective generally horizontal axes of rotation that extend through the seated user's elbows, each of the pair of movement arm units being configured to engage a portion of the arms or hands of the user, each of the pair of movement arm units being movable between a retracted position, in which

the seated user's arms are bent, and an extended position, in which the user's arms are extended, the axes of rotation remaining stationary as the movement arms move between the retracted and extended positions.--

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose a triceps exercise machine wherein the pivot axes of the arm units extends through the elbow and remains stationary, and the axes of rotation forming an angle of 115 to 155 degrees or the uprights on the frame defining angles of between 20 and 70 degrees or the pads mounted to support the user's upper arms at an angle of at least 5 degrees.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Victor K. Hwang  
March 2, 2005

  
JEROME W. DONNELLY  
PRIMARY EXAMINER